

Message Text

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21

ACTION L-03

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FM AMEMBASSY BANGKOK
TO SECSTATE WASHDC 3240

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E.O. 11652: N/A
TAGS: PFOR TH
SUBJECT: EXTRADITION TREATY NEGOTIATIONS - THAILAND

REF: A. STATE 058720 B. 75 BANGKOK 22255 (10/21/75)

SUMMARY AND ACTION REQUESTED: THE EMBASSY DELIVERED A DIPLOMATIC NOTE TO MFA BASED ON REF A MARCH 19. ON APRIL 15 THE CHIEF OF MFA'S TREATY DIVISION MONTRI CHALICHAN MET WITH AN EMBASSY OFFICER TO GO OVER SOME OF THEIR QUESTIONS ABOUT THE WORDING AND INTENT OF SEVERAL OF THE PROPOSED ARTICLES PRIOR TO THEIR CLEARING AN RTG POSITION THROUGH THE VARIOUS CONCERNED MINISTRIES.

ACTION REQUESTED: REQUEST GUIDANCE ON ANSWERS TO MFA'S QUESTIONS.

1. MONTRI EXPLAINED APRIL 15 THAT MFA WAS STILL IN THE PROCESS OF CLEARING ITS OWN POSITION WITH REGARD TO NEGOTIATING THE SUPPLEMENTARY CONVENTION (SC) TO THE 1922 EXTRADITION TREATY. ONCE THAT WAS DONE, IT WOULD CIRCULATE THE TEXT WE HAD PROPOSED TO THE MINISTRY OF JUSTICE, AND TO THE PUBLIC PROSECUTION DEPARTMENT AND THE CENTRAL NARCOTICS BUREAU WITHIN THE MINISTRY OF INTERIOR - AND PERHAPS ELSEWHERE IN THE RTG - FOR COMMENT AND CONTRIBUTIONS. NEXT, THE QUESTION WOULD GO TO THE CABINET FOR APPROVAL IN PRINCIPLE TO NEGOTIATE. ONCE BILATERAL NEGOTIATIONS ARE COMPLETED, LIMITED OFFICIAL USE

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THE DRAFT SC WOULD GO TO THE CABINET FOR FINAL APPROVAL

FOR SIGNATURE. THEREAFTER, THE CABINET - ACTING AS THE EXECUTIVE BRANCH - COULD ALSO RATIFY THE CONVENTION WITHOUT REFERENCE TO THE PARLIAMENT, PROVIDED THAT THE NEW AGREEMENT DID NOT REQUIRE NEW OR MODIFIED THAI LEGISLATION. OTHERWISE, RATIFICATION WOULD HAVE TO AWAIT PARLIAMENT'S ENACTMENT OF SUCH LEGISLATION.

2. WITH REFERENCE TO THE VARIOUS ARTICLES IN THE DRAFT SC, MONTRI HAD SEVERAL QUESTIONS. HE WANTED TO KNOW MORE ABOUT THE OBJECTIVE OF ARTICLE I BIS, AND HOW IT WOULD OPERATE IN PRACTICE. IN PARTICULAR, HE WAS UNCLEAR AS TO WHETHER TI WOULD REQUIRE AMENDMENT OF EXISTING THAI LEGISLATION. WE UNDERTOOK TO QUERY THE DEPARTMENT, BUT OBSERVED IN THE MEANTIME THAT THE FINAL QUALIFYING PHRASE IN THE ARTICLE SEEMED TO PRECLUDE THE NECESSITY TO MODIFY OR ENACT LEGISLATION. AT THE SAME TIME, WE OBSERVED THAT NEW LEGISLATION COULD WIDEN THE ARTICLE'S APPLICABILITY TO OTHER TYPES OF CRIMES. MONTRI WAS UNSURE ABOUT THE STATE OF THAI ANTI-NARCOTICS LEGISLATION AS IT WOULD APPLY TO CRIMES COMMITTED OUTSIDE OF THAILAND.

3. MONTRI OBSERVED THAT ARTICLE II APPEARED USEFUL AND SHOULD BE EASY TO AGREE ON. HE SAID THAT WHILE THAI LAW DID EMBRACE THE CONCEPT OF CONSPIRACY TO COMMIT A CRIME, HE WAS UNSURE WHETHER PRESENT ANTI-NARCOTICS LEGISLATION INCLUDED CONSPIRACY PROVISIONS.

4. WITH REGARD TO ARTICLE III OF THE SC, MONTRI DID NOT UNDERSTAND WHETHER OR HOW IT MODIFIED THE LEGAL FORCE OF THE EXISTING ARTICLE VIII OF THE 1922 TREATY. IN SHORT DOES IT SAY VIRTUALLY THE SAME THING, WITH A SLIGHTLY MORE POSITIVE TONE, OR DOES IT HAVE WIDER IMPLICATIONS?

5. SOME CONFUSION HAS ARISEN ABOUT THE WORDING NEAR THE END OF ARTICLE IV. REF A READ "...UNDER THE LAWS OF BOTH COUNTRIES PARTIES AT THE TIME OF ITS COMMISSION" AND THAT IS HOW WE SENT IT TO MFA. SHOULD THIS READ "BOTH CONTRACTING PARTIES" OR "BOTH HIGH CONTRACTING PARTIES" AS USED IN OTHER ARTICLES?

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6. COMMENT: OBVIOUSLY WE HAVE A PROTRACTED NEGOTIATING PROCESS AHEAD OF US ON THIS SUPPLEMENTARY CONVENTION, BUT THE SUBSTANCE OF THE TALKS SHOULD POSE FEW SERIOUS PROBLEMS. IF WE CONTINUE TO SHOW AN INTEREST IN PROGRESS, WE SHOULD BE ABLE TO KEEP THE THAI BUREAUCRATIC MACHINERY TICKING OVER ON THE ISSUE AND WORKING TOWARDS A SATISFACTORY OUTCOME.

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